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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 CISCO SYSTEMS, INC.,

13 Plaintiff,

14 v.

15 CAPELLA PHOTONICS, INC.,

16 Defendant.

Case No. 3:20-cv-01858-EMC

~~PROPOSED~~ ORDER GRANTING
RELIEF FROM ORDER

Hearing Date: November 19, 2020


Time: 1:30 pm

Courtroom: 5 (17th Floor)

Hon. Edward M. Chen

1 The Motion of Defendant Capella Photonics, Inc. for Leave to File a Motion For
2 Reconsideration or, Alternatively, For Relief from Order came on regularly for hearing. After
3 consideration of the arguments in favor of and in opposition to the Motion, and good cause
4 having been shown, the Motion is hereby GRANTED. The August 21, 2020 Order (Dkt. 48)
5 failed to consider material facts and dispositive legal arguments. Relief is warranted under Civil
6 L.R. 7-9 and F.R.C.P. Rule (60)(b)(1) and (6) because the Order mistakenly assumed that all
7 original claims corresponding with the claims in the Asserted Patents had been found by the
8 Patent Trial and Appeal Board to be invalid and, based on the assumption, applied the preclusive
9 effect of collateral estoppel to asserted claims whose corresponding claims were not previously
10 found invalid. Relief from the Order is therefore appropriate and GRANTED. The Order shall
11 not apply to the following claims in the Asserted Patents: claim 29 of U.S. Patent No. RE47,905
12 and claims 72, 85, 92, 100, 118, 125, 126, 127, 131, 138 of U.S. Patent No. RE47,906.
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16 Dated: November 23, 2020



Hon. Edward M. Chen
United States District Judge